

**United States Court of Appeals**  
**For the Eighth Circuit**

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No. 14-2163

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Russell Bucklew

*Plaintiff - Appellant*

v.

George A. Lombardi

*Defendant - Appellee*

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Appeal from United States District Court  
for the Western District of Missouri - Kansas City

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Submitted: May 20, 2014

Filed: May 20, 2014

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Before RILEY, Chief Judge, WOLLMAN, LOKEN, MURPHY, BYE, MELLOY,  
SMITH, COLLOTON, GRUENDER, SHEPHERD and KELLY, Circuit Judges

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**ORDER**

George Lombardi, Director of the Missouri Department of Corrections, petitions for rehearing en banc of an Order entered by this court on May 20, 2014, reversing the district court and staying the execution of Russell Bucklew. The petition for rehearing en banc is granted, the stay of execution granted by the panel is vacated, and Bucklew's Motion for Stay of Execution is denied.

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BYE, Circuit Judge, dissenting.

For the well-stated reasons in Judge Melloy's panel opinion, I would deny the petition for rehearing en banc and would leave in place the stay of execution. Therefore, I respectfully dissent.

Judges Murphy, Bye, and Kelly would denied the petition for rehearing en banc.

Judges Murphy, Melloy, Bye, and Kelly would grant the motion for stay of execution.

Judge Melloy would deny the petition for panel rehearing.

Judge Benton did not participate in the consideration or decision of this matter.

Order Entered at the Direction of the Court  
Clerk, Eighth Circuit Court of Appeals

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/s/ Michael E. Gans